## REMARKS/ARGUMENTS

The claims have been divided into Groups as follows:

Group I: Claims 11-25 are drawn to a method for treating a metabolic disorder mediated by insulin resistance or hyperglycemia comprising administering the mammal at least one sulfonamide derivative of formula 1.

Group II: Claims 26-39 are drawn to a pharmaceutical composition comprising at least one compound selected from the group consisting of an insulin, an aldose reductase inhibitor, an a-glucosidase inhibitor, a sulfonyl urea agent, a biguanide, a thiazolidine, a PPAR agonist and a GSK-3 inhibitor and at least one sulfonamide derivative of formula 1.

Applicants elect, with traverse, Group I, Claims 11-25, for examination.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). The burden is on the Examiner to provide reasons and/or examples to support any conclusion in regard to patentable distinction (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with each other group specifically describing special technical features in each group (MPEP § 1893.03(d)).

The Office has characterized the relationship of Groups I and II as process of making and product made. Citing MPEP 806.05(f), the Office has stated that "the product as claimed can be made by another and materially different process."

Applicants respectfully disagree and point out that Claims 26-39 are drawn to a pharmaceutical composition and Claims are drawn to a method of treating a metabolic disorder.

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Applicants respectfully disagree and point out that Claims 26-39 are drawn to a pharmaceutical composition and Claims 26-39 are drawn to a method of treating a metabolic disorder.

Moreover, the present application is a U.S. National application filed under 35 U.S.C. 371. MPEP § 1893.03(d) states:

> "Examiners are reminded that unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371."

Applicants respectfully submit that Rule 13.1 under Unity of Invention indicates that the inclusion of more than one invention in one international application is only permitted if all inventions are so linked as to form a single general inventive concept.

Furthermore, 37 C.F.R. § 1.475(b) states in pertinent part:

> "An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:
> (2) A product and a process of use of said product; . . ."

Applicants respectfully submit that the Examiner has not considered the relationship of the inventions of Groups I, and II with respect to MPEP § 1893.03(d) or 37 C.F.R. § 1.475(b)(2) and therefore has not met the burden necessary according to MPEP § 1893.03(d) to sustain the conclusion that the groups lack of unity of invention. For this reason, Applicants submit that the Requirement for Restriction should be withdrawn.

For the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary to establish lack of unity of invention in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

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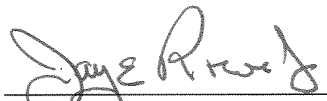
MAIER & NEUSTADT, P.C.
Norman F. Oblon



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